The Facebook, Inc. v. Connectu, LLC et al
Doc. 168 Att. 2

EXHIBIT XIX

Dockets.Justia.com

G. HOPKINS GUY, III (STATE BAR NO. 124811)
I. NEEL CHATTERJEE (STATE BAR NO. 173985)
MONTE COOPER (STATE BAR NO. 196746)
ROBERT D. NAGEL (STATE BAR NO. 211113)
JOSHUA H. WALKER (STATE BAR NO. 224940)
ORRICK, HERRINGTON & SUTCLIFFE LLP
1000 Marsh Road
Menlo Park, CA 94025
Telephone: 650-614-7400
Facsimile: 650-614-7401

Attorneys for Plaintiff
FACEBOOK, INC.

FILED
2006 JAN -6 PM 3:49
KIRI TORRE
CHIEF EXEC. OFFICER/CLERK
SUPERIOR COURT OF CA
COUNTY OF SANTA CLARA
BY DEPUTY
A. GALVAN

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF SANTA CLARA

THEFACEBOOK, INC.,

Plaintiff,

v.

CONNECTU LLC, CAMERON WINKLEVOSS, TYLER WINKLEVOSS, HOWARD WINKLEVOSS, DIVYA NARENDRA, AND DOES 1-25,

Defendants.

CASE NO. 1:05-CV-047381

[PROPOSED] ORDER GRANTING FACEBOOK, INC.'S *EX PARTE* APPLICATION TO COMPEL LIMITED DEPOSITION ON THE SUBJECT OF PERSONAL JURISDICTION

Date: January 6, 2006
Time: 8:15 a.m.
Dept.: 14

The Honorable Derek Woodhouse

Complaint Filed: August 17, 2005
Motions to Quash Filed: Oct. 25, 2005
Amended Motion Filed: November 14,2005
Hearing for Motions to Quash: TBD

DOCSSV1:442091.1

GOOD CAUSE HAVING BEEN SHOWN THEREFOR, it is ordered that Defendant ConnectU LLC submit to a deposition along with co-defendants Cameron Winklevoss, Tyler Winklevoss, Howard Winklevoss and Divya Narendra in conformity with the deposition notices served by Plaintiff on November 3, 2005, and this Court's oral ruling dated December 15, 2005. However, the deposition of ConnectU LLC shall be limited to topics 11, 12 and 13 set forth in the November 3, 2005 Notice of Deposition of Defendant ConnectU LLC.

It is FURTHER ORDERED, that, as stated at the hearing held December 15, 2005 Defendants' Cross Motion for Protective Order is DENIED. It is

FURTHER ORDERED that all depositions shall be limited to issues directly relating to personal jurisdiction, though it shall not be a basis for instructing the witness not to answer that the parties may differ on what they perceive to be the relevance of the factual issues underlying questions presented. However, should objection be made during any deposition that a particular question is not directly related to the issues of the individual Defendants' personal jurisdiction, and any of the Defendants raise this objection with the Court and the Court agrees it was not directly related to personal jurisdiction issues, the Plaintiff shall be subject to substantial monetary sanctions, and the response shall not be permitted to be used for any purpose, including impeachment. It is

FURTHER ORDERED that each such deposition shall comprise a three-hour period, including two hours and forty-five minutes for testimony and one fifteen minute break. It is

FURTHER ORDERED that Plaintiff Facebook shall be responsible for paying the travel and lodging expenses of each individual Defendant.

IT IS SO ORDERED.

DATED: January 6, 2006

Honorable Derek Woodhouse

Judge, Santa Clara Superior Court